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cont'd*

14. (Amended) The floor system of claim 13 wherein said grate panels are rectangular shaped.

*yf*

1 17. (Amended) The floor system of claim 13 that further includes a geotextile  
2 material located between the plurality of paving blocks and the grate panels.

Please add Claims 18 and 19 as follows:

1 18. The floor system of Claim 13, wherein each of said pedestals are fabricated of  
2 a heat shearable material, said pedestals being directly affixed in spaced apart relationship  
3 onto a non-horizontally level terrace substructure, said pedestals being of non-uniform heights  
4 having been sheared to produce top surfaces such that all of the top surfaces of said pedestals  
5 are horizontally level with one another to form said coplanar top surfaces and said top  
6 surfaces are non-parallel with respect to corresponding pedestal lower surfaces.

1 19. The floor system of Claim 18, wherein said pedestals are affixed to said  
2 substructure by means of a polystyrene adhesive.--

#### REMARKS

**A Request for a One (1) Month Extension of Time Pursuant to 37 CFR §1.136(a)**  
**and (b) is attached hereto.**

The above-captioned patent application has been carefully reviewed in light of the final Official Action to which this Amendment is responsive. Claims 13, 14 and 17 have been amended in an effort to better clarify and distinctly point out that which is regarded as the invention. New Claims 18 and 19 have been added. It is believed Applicant's amendments have been made for clarification purposes only and not to narrow the scope of the present invention.

Claims 13-17 are pending. All pending claims have been rejected in light of certain prior art. Applicant respectfully requests reconsideration based on the amended and newly added claims and the following discussion.

Applicant gratefully acknowledges the telephone interview granted to Applicant's representative, Peter Bilinski, by Examiner Phi Dieu Tran A on April 4, 2003. The subject matter of the interview is included in the text of this response.

Prior to discussing the prior art rejections, Applicant would again like to briefly point out the novel contributions set forth by the present invention. That is, Applicant has devised a floor system for a non-level terrace, typically for mounting on a roof or other similar exterior surface. The system includes a plurality of pedestals placed on the terrace, each of the pedestals having a coplanar top surface. A series of grate panels are then placed onto the top surfaces of the pedestals. The grate panels are preferably rectangular in shape and include a series of small perforations throughout, the panels being mounted such that each panel corner is mounted onto a corner of a pedestal in order to form a continuous raised subfloor. The panels are all mounted such that they abut together in order to form a continuous raised floor surface upon the top surfaces of the plurality of pedestals.

Finally, a plurality of paving bricks are placed onto the top surface of the grate panels forming the sub floor, the bricks being arranged in an interlocking relationship so as not to form long seam lines. The grate panels forming the sub floor provide a load bearing support surface for the plurality of paving bricks that can assume different possible decorative designs or shapes. The formed structure/system is resistant to weather, including rain runoff, heavy traffic and other factors found in exteriorly located systems.

Turning to the cited prior art, Chen (U.S. Patent No. 5,904,015) describes a cover plate connecting structure for a computer network floor (e.g., a "raised" floor). This floor is made up of a plurality of floor supports 10, each floor support having a set of legs 11 and a number of hollow portions 13 onto which a plate 40 is attached at the top of each floor support. See Figs. 1 and 3 of the instant reference. The floor of Chen further includes a number of connecting bases 20 that are located beneath the floor supports. The floor supports 10 are interlocked together by means of spacers in the forms of long side covers 60 and central covers 50.

Applicant understands the Examiner's general reliance upon this reference but would like to point out that there are a number of essential differences when comparing same to the present invention. First, it is clear that the raised floor of the cited reference relates to the problem of providing adequate spacing beneath the floor in order to permit cabling for a

computer network. As such, the floor is clearly intended solely for interior use. The present invention on the other hand relates to a terrace floor system which is formed typically on an existing exterior irregular (non-horizontal) roof top surfaces or the like. As such, there are a number of factors that must be considered in the creation of same that are not required in the Chen reference. These factors include but are not limited to weather resistance, such as to resist wind, etc. and rain/moisture run-off.

In addition, the Chen floor is formed throughout as a "single" pattern. That is to say, there is no permissible variability in how the upper portion of the floor is arranged. The floor is not intended to be "decorative", but rather is composed of floor supports that are linked together in a manner such that any single portion of the floor can be opened at a particular time for maintenance and the like as needed. In any event and as shown in the Figs. of this reference, it can be seen that the floor supports are each attached at a leg to a trunk of a connecting base. The floor supports, though having a series of perforations are not grate panels as presently claimed. Moreover, these supports fail to form a continuous surface defining the sub floor. Note the gaps formed between each interconnected floor support which must be filled with a side cover or center cover which effectively "bridge" these extensive gaps. Moreover, the grate panels of the present invention do not interlock with trunks of the pedestals but merely overlay upon the top surface thereof.

Finally, it is believed the side and center covers and the cover plates as described by Chen hardly represent paving blocks as intended by the present invention. The above covers and plates essentially interlock with grooves formed in the walls of the support unit and form a solitary floor pattern. As such, they are not located onto or upon the top surfaces of the grate panels.

Turning to the prior art rejections, Claim 13 has been rejected under 35 USC §102(b) as being anticipated by Chen (U.S. Patent No. 5,904,015).

Applicant respectfully traverses the above rejection. First and in order to anticipate under the Statute, each and every claimed limitation must be found in the cited reference. Those limitations that are not found must be notoriously well known in the prior art to one of sufficient skill.

As previously noted, the grates (floor supports 10) of Chen are interlocked together by means of spacers in the forms of long side covers 60 and central covers 50. That is to say,

the "grates" of the floor described by this reference discontinuous and in fact are wholly different in terms of structure and function than those used in the presently claimed invention. Claim 13 has been amended to more clearly point out that only the grate panels form the sub floor and that the grate panels form a continuous supporting surface (with the exception of the perforations). Claims 14 and 17 have been amended to comport to the language now recited in amended Claim 13. To that end, it is believed no new matter has been added.

Reconsideration is respectfully requested.

The Examiner has also rejected Claims 15 and 16 based on the combination of Chen above with Faulkner (U.S. Patent No. 5,363,614) and Claim 17 based on the combination of Chen and Focht (Re 20872), both rejections being made under 35 USC §103(a).

Applicant respectfully traverses each of these rejections in light of newly amended Claim 13. As noted previously, Chen fails to describe or suggest a continuous sub floor comprised solely of a set of grate panels. In addition, this reference also fails to include paving blocks that can be arranged in different patterns as in the present invention given that the blocks are placed onto the top surfaces of the grate panels. The secondary references of Faulkner and Focht fail to add these features, either singly or in combination, therefore there can be no *prima facie* obviousness rejection under the Statute. Reconsideration is respectfully requested. Applicant has added new Claims 18 and 19 relating to the pedestals as described and supported by Figs. 1-3 of the present application. No new matter has been added.

In summary, it is believed the above-captioned patent application is in an allowable condition and such allowance is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "**Version with markings to show changes made.**"

If the Examiner believes that contact with Applicant's attorney would be advantageous toward the disposition of this case, the Examiner is herein requested to call the undersigned at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-0289.

Respectfully submitted,

**WALL MARJAMA & BILINSKI LLP**

April 7, 2003

Date



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20874

PATENT TRADEMARK OFFICE

**"VERSION WITH MARKINGS TO SHOW CHANGES MADE."**

**In the Claims:**

Claims 13, 14 and 17 have been amended as follows:

1        13. (Amended) A raised load bearing floor system for mounting upon a non level  
2 terrace that includes:  
3              a plurality of spaced apart support pedestals mounted upon the terrace, said pedestals  
4 having coplanar horizontally disposed top surfaces,  
5              a plurality of high strength load bearing [grates] grate panels, each of [which] said  
6 panels containing [contains] a series of perforations, said [grates] grate panels being mounted  
7 upon the coplanar top surfaces of said pedestals, so that each grate panel is supported at each  
8 of its corners upon one of said pedestals and each of said grate panels being in abutting  
9 relation to establish a continuous raised load bearing sub floor over said terrace; and  
10              a plurality of paving blocks [mounted] disposed onto a top surface of said grate  
11 panels, said paving blocks being arranged in an interlocking relationship upon said [grates]  
12 grate panels to establish an upper floor, the area between said pedestals being substantially  
13 greater than the surface area of said paving blocks, said blocks being fabricated of a material  
14 capable of sustaining heavy traffic without appreciable wear.

1        14. (Amended) The floor system of claim 13 wherein said [grates] grate panels are  
2 rectangular shaped.

1        17. (Amended) The floor system of claim 13 that further includes a geotextile  
2 material located between the plurality of paving blocks and the [grates] grate panels.

Claims 18 and 19 have been added.